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USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/21/08

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PURSUANT TO THE ECF NOTICE<sup>1</sup>**

**May 21, 2008** A suggestion of settlement having been made, this case is dismissed, subject to restoration by either party within 30 days on notice. All pending court dates are cancelled. The Clerk is directed to close the case.

Hon. Alvin K. Hellerstein  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 1050  
New York, NY 10007



Alvin K. Hellerstein, U.S.D.J.

Date: 5/21/08

**Re: Pena v. Quarantillo, et al., 07 Civ. 7951(AKH)**  
**JOINT REQUEST FOR ADJOURNMENT OF THE 5/23/2008 CONFERENCE**

Dear Judge Hellerstein:

A pre-trial conference for the instant case is scheduled to take place before your Honor this Friday, May 23, 2008, at 9:30 A.M. At this time, parties jointly move the Court to adjourn the upcoming conference in light of the fact that settlement in this case is near completion. The instant adjournment request is the first adjournment request by either party in this case.

Mr. James Loprest, Special Assistant United States attorney, attorney for the Defendants, informed the undersigned counsel yesterday, May 20, 2008, that the Defendant U.S. Citizenship and Immigration Services ("USCIS") has agreed to approve the Plaintiff's N-400 application for naturalization and schedule the Plaintiff's naturalization oath ceremony, which should take place during the month of June 2008. According to Mr. Loprest, USCIS informed him yesterday that Plaintiff's naturalization oath ceremony notice would be prepared within the next few days and a copy of the notice will be forwarded to the undersigned counsel. Upon Plaintiff's naturalization, parties will file with this Court a Stipulation and Order of Dismissal, without costs to either party, subject to endorsement by the Court.

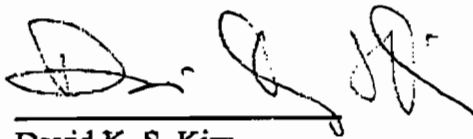
<sup>1</sup> On May 20, 2008, the undersigned attempted to file the instant joint request for adjournment via ECF. However, the undersigned received today an ECF notice indicating that the instant request is not permitted to be filed in letter form and must be filed with the Chambers directly.

Discovery in this case, including deposition of the Plaintiff by Mr. Loprest, has been completed. Parties have entered into a civil case management plan which stipulates that all dispositive motions must be filed by May 30, 2008, and that a minimum two-hour in-person settlement discussion be taken place at the Plaintiff's counsel's office by counsel for both parties by May 23, 2008. In light of the fact that settlement in the instant case is near its completion, parties also jointly move the Court to hold in abeyance these remaining pre-trial deadlines.

Based on the foregoing, it is respectfully requested that the May 23, 2008, conference be adjourned to a later date and time the Court deems proper.

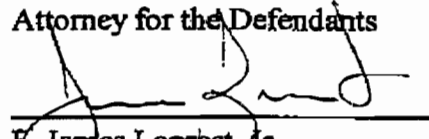
Respectfully submitted,

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Hon. Alvin K. Hellerstein  
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